UAC INSURANCE MUTUAL MINUTES, MEMBERSHIP MEETING

April 6, 1994, 4:00 p.m. Little America Hotel & Towers, Salt Lake City

Board of Directors Present: Gary Herbert, *President*, Utah County Commissioner Gerald Hess, *Vice President*, Davis County Deputy Attorney Dennis Ewing, *Comptroller*, Tooele County Clerk Max Adams, Uintah County Commissioner Sid Groll, Cache County Sheriff Gary Sullivan, Beaver County Commissioner

Board of Directors Absent:

Dixie Thompson, Secretary, Emery County Commissioner Ken Brown, Rich County Commissioner Ty Lewis, San Juan County Commissioner

Membership Present:

Chad Johnson, Beaver County Commissioner Lee Allen, Box Elder County Commissioner Allen Jensen, Box Elder County Commissioner James White, Box Elder County Commissioner Lynn Lemon, Cache County Executive Assistant Willard Gardner, Davis County Assessor Margene Isom, Davis County Clerk-Auditor Linda May, Davis County Deputy Clerk-Auditor Carol Dean Page, Davis County Recorder Steve Rawlings, Davis County Director of Finance Gayle Stevenson, Davis County Commissioner B. Curtis Dastrup, Duchesne County Commissioner Pat Stratton, Duchesne County Clerk David Blackwell, Emery County Attorney Bruce Funk, Emery County Clerk Wallace Lee, Garfield County Attorney Louise Liston, Garfield County Commissioner Dennis Ayers, Iron County Assessor Roy Urie, Iron County Commissioner Pat Greenwood, Juab County Clerk-Auditor Joyce Pay, Juab County Treasurer Karla Johnson, Kane County Clerk-Auditor Raymond Lopeman, Kane County Commissioner Glen Martin, Kane County Commissioner C. Frank Baker, Millard County Commissioner Tony Dearden, Millard County Commissioner Rick Bailey, San Juan County Administrative Assistant Bill Redd, San Juan County Commissioner J. Keller Christenson, Sanpete County Commissioner T. Merlin Ashman, Sevier County Commissioner Donna McKendrick, Tooele County Recorder Kent Sundberg, Utah County Deputy Attorney Kent Berg, Wasatch County Public Works Director Sherry Bond, Wasatch County Clerk-Auditor Pete Coleman, Wasatch County Commissioner Stanley Alvey, Wayne County Commissioner

Others Present:

Brent Gardner, UACIM Administrator
David Nelson, UACIM Loss Prevention Manager
Sonya White, UACIM Administrative Assistant
Harry Bowes, UACIM Consultant
Jess Hurtado, AIMS Vice President/UACIM Broker
Keri Chappell, AIMS Technical Assistant
Doug Alexander, AIMS Branch Manager
Dean Bachman, AIMS Service Representative

WELCOME

Gary Herbert welcomed the membership to this semi-annual membership meeting and acknowledged the Board's appreciation for everyone's attendance and participation. Each member in attendance introduced themselves, the county they represented and their position within the county. Gary mentioned that there has been discussion and/or controversy as to how the Insurance Mutual is functioning and encouraged the membership to take advantage of this time to voice any concerns to be addressed and resolved to improve the Mutual's policies and procedures which in turn will benefit the counties and the Mutual.

REVIEW & APPROVAL OF NOVEMBER 1993 MINUTES

The membership reviewed the minutes taken at the November 10, 1993, Membership Meeting in St. George. A motion was made, seconded and unanimously passed to approve the minutes as written.

REVIEW OF FIRST QUARTER FINANCIAL REPORTS

The membership was given a copy of the financial statements in which Brent Gardner began the review. The Balance Sheet as of February 28, 1994, which includes the financial information since the inception of the Mutual in January 1992, shows that the Mutual has total assets of \$4,844,507 and total liabilities of \$3,411,142, which leaves a surplus of \$1,433,365. The Inception to Date shows policy years 1992, 1993 and 1994 total premium collected of \$5,359,611 and unearned premium of \$1,640,000 for the 1994 policy year. The investment income from the State Treasurer's Fund is subtracted giving the net figures of total revenue. The next category, losses, show the paid losses since the inception of the Mutual of \$748,000 and the open loss reserves, for claims that have not been settled, of \$1,028,847. The Incurred But Not Reported (IBNR) category is a conservative and good business practice in which assets of \$542,000 have been set aside for those claims that have occurred but have not been reported. Along with other expenses associated with losses the total loss expense is \$3,318,961. The administrative expenses, brokerage fees, professional fees, legal expenses, actuarial expenses, auditing expenses, etc., total \$1,071,681. The next figure shows net income at (\$480,945), expenses over revenues with the bulk of this negative figure being open loss reserves and IBNR based on the most sound and professional actuarial projections based on the actuarial experience of a typical insurance company. The Mutual is not a typical insurance company and until the Mutual has a better track record their services will be utilized. The Mutual expects the losses to settle at much less than what the actuaries indicate and as the Mutual has more experience this information will assist the actuaries with their actuarial soundness report of the Mutual.

Brent continued with information for the 1994 policy year. As of February 28, 1994, the total amount paid for claims is \$33,000 which is slightly over what the Mutual had anticipated and budgeted. It is expected that by the end of the year the projection will be closer to what was budgeted for the year. Also, 20% of the contributed premium is put into the surplus account each year. This surplus is credited to each county and is revenue which will be either returned to the county in some form or utilized by the Mutual for the increase of coverage or other benefits once the Mutual has the approval of the State Insurance Department. The contributed surplus for 1994 is \$464,000 which makes up a large portion of the \$1,400,000 required by the State Insurance Department.

COMBATING DEFAMATORY REMARKS AGAINST THE MUTUAL

Gary Herbert explained that there has been some people, for various reasons, saying unkind things about the Mutual and misinformation is being spread. Brent Gardner was asked to address this issue. Brent began by explaining that the Mutual is successful with 23 out of the 29 counties participating which gives the membership a lot of opportunity to do things that couldn't be done without this kind of consolidation of counties into one group. This success creates a real incentive for those who want to compete for the business. Over the past couple of years the Mutual has had several occasions to be involved in meetings and other situations where comments and statements have been made relating to the operation and financial condition of the Mutual, which leads some to the conclusion that perhaps the Mutual is not sound financially or in some way there is a problem that county officials ought to know about. Brent continued by explaining how the Mutual was formed beginning with the Feasibility Committee, comprised of seventeen elected officials throughout the state, that determined in 1991 that there was an advantage to form the Mutual. The Mutual was structured very differently than any other self-insured program that existed at the time and is quite unique. The Mutual has simply pooled the premiums of the 23 participating counties and utilized them to do certain things which couldn't be done individually. As Brent stated before, 20% of the contributed premiums are set aside for surplus in which

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every participating county builds equity. The remainder of the premiums are put into the loss fund and are utilized to pay claims along with the administrative expenses, brokerage fees, etc. From the loss fund the Mutual will pay up to \$150,000 on property claims or \$250,000 on liability claims. If a claim goes above those amounts, excess insurance has been purchased from two of the top-rated insurance companies in the United States, along with an additional policy in the amount of \$1,000,000 if for some reason the Mutual's loss fund was insufficient or the losses were under-projected in any given year.

This unique structure was something the Insurance Department was unfamiliar with and unsure how to deal with on a regulatory basis. The Mutual asked the Insurance Department for a waiver from their requirements to build and maintain surplus as an Insurance Mutual, since there was virtually no way for the Mutual to go insolvent due to the financial structure. However, the Insurance Department felt that due to state statutes they were unable to totally waive the requirements but they did decrease them significantly. The Mutual is building surplus based on the order which the Insurance Department has issued and the only distinction is that surplus is not building as rapidly as anticipated, giving the competitors the incorrect opinion that the Mutual is losing money. The surplus is continuing to grow and as soon as the Mutual reaches the amount which the Insurance Department has required, the Mutual will be in a position to either return premiums, offer additional coverages or whatever the Mutual and its members see fit. With the exception of this one area, the Mutual has either met or exceeded everything it was expected to do. Loss reports are provided to member counties each month and with this loss data the Mutual is finding areas where losses are occurring that cost the counties, therefore, the Mutual is working with the counties to control these losses. At the last Board of Directors Meeting the Board felt it important to allot time today to address these issues and for the membership to raise any questions or concerns.

Jess Hurtado added that the actuarial services have already advised the Mutual that for 1992 they will be dropping the loss reserves by \$50,000 because the claims are not developing at Insurance Service Office (ISO) standards which they are reserving at because the Mutual has not developed loss trending. Brent stated that the Mutual expected the actuaries to lower those numbers as more and more information from the Mutual is available to them.

Gerald Hess, a Board Member who reviews the loss information at each meeting, advised the membership to look carefully at the loss information and the information regarding Safety Committees, risk management, etc., to control those losses that should not have occurred such as physical damage losses. Brent then reviewed a copy of the loss reports that go out to each member county pointing out that for the policy year 1992, 262 claims were filed with the total experience of \$627,661.15. Out of the total experience, \$240,000 was damage to county vehicles by county employees. These are the kinds of losses that the counties should be able to either eliminate or significantly reduce. The Mutual's loss prevention activities are set up to address these problems, to start to train county employees on how to avoid or eliminate these kinds of losses but it is going to take very aggressive activity and responsibility at the individual county level if these activities are to be effective.

There was concern expressed regarding the payment of claims promptly and claims being denied that may have been covered under the counties previous carriers. Brent stated that a couple of cases came before the Board and were checked out with Aon Insurance Management Services (AIMS) and it appeared that the turn-around time was very reasonable and obviously the Mutual is not going to pay every loss that a county incurs but the Mutual's policy is the broadest that the Mutual feels is available. Brent advised the membership to contact him with any such situations in which he will take the county's concerns to the Board and then respond back to the county. He also explained the function of the Litigation Management Committee (LMC) which is made up of county attorneys who meet each month to review those claims over \$10,000 and give the Board and AIMS direction on how these claims are to be handled.

A question arose concerning small claims that are under the \$500 deductible and whether the county should submit them. Doug Alexander explained that every claim should be submitted. If the claim is under the deductible it will be set up as a "notice only" without a reserve and will show on the county's monthly loss runs in order to evaluate loss trends. Jess Hurtado added that it also gets the county in a good habit of reporting claims.

Gary Herbert concluded by inviting the members to participate in the Board of Directors Meetings held every other month to give input, concerns and criticisms.

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Board Decision on Physical Damage Claims Not Previously Reported

Gary Herbert reported that at the last Board of Directors Meeting it was brought to the Boards attention that some counties have not been reporting their claims promptly, therefore, making it hard for Aon Insurance Management Services (AIMS) to get those claims taken care of as they should be. A motion was made by the Board authorizing Doug Alexander to send out a letter to all the member counties explaining that if a claim is not submitted and authorization given before the county repairs a vehicle or property the repair work will be denied. An acknowledgment receipt of this letter from each member county was requested by July 1, the effective date of this policy. With no questions or concerns by the membership, this letter will be sent out immediately. Brent Gardner added that this policy was not intended to be punitive but rather to protect the counties' money in the loss fund so that AIMS is not paying claims without having ample opportunity to investigate the claim.

RESERVE ADJUSTMENT

Doug Alexander began by introducing himself and explaining how AIMS establishes proper claim reserves. The counties are protected by the Governmental Immunity Act which has a statutory cap of \$250,000, meaning that is the maximum amount anyone may collect except in a case of civil rights where there is no cap. An outline was reviewed in detail of the procedure of setting proper claim reserves (see attachment #1).

Broker Report

- A. <u>Boiler and Machinery</u> Jess Hurtado reported that in the search for boiler and machinery coverage, AIMS tried to find alternate programs that work for the benefit of the different member counties as a buying group. The most attractive quotation was given by Travelers Insurance which will be sent to each individual county requesting a response to the quotation. On a county basis or as a group basis the insurance premiums are quoted to the membership on a net basis, which means the membership is not being charged any commission on these quotations. For any questions you can call Jess or Keri at 488-2550.
- B. 1995 Renewal Information Jess Hurtado explained the problems involved when the member counties do not return their renewal applications promptly. AIMS is trying to get the renewal application to the counties by May 1994 and hope to have them returned within 30 days in order to have the renewal complete by the November Membership Meeting in St. George for review. Jess urged the counties to process their renewal application as quickly as possible. The applications have all the information in them that the county provided last year and all that has to be done is to correct and update that information. Jess concluded by expressing how very broad the coverage is that the Mutual has compared to the marketplace.
- C. <u>Airport Non-Operational Airports</u> Jess explained that the Mutual policy form does not include airport liability. Any type of airport <u>operation</u> is excluded. The policy form does cover property for your locations at an airport and Owners, Landlords and Tenants (OL&T) coverage, however, an airport exposure needs to be covered by an airport liability policy. Also, many counties have helipads and designated landing sites for helicopters which should be added to a county's existing airport liability policy. If any of the counties need coverage they can call Jess who has found a market that is willing to write coverage at a relatively low premium.
- D. Rodeo Coverage Jess stated that any rodeo or fair that is sponsored by the county is covered under the Mutual but if the county has a third-party rodeo that is using the county rodeo facilities and is not sponsored by the county then they need to provide the county with proof of insurance. If they do not have any insurance Jess has a program for them to buy coverage so they can have their event in the county facility and will name the county as a named-insured.

COUNTY LOSS PREVENTION TEAM

Bill Redd, reporting for Ty Lewis, expressed to the membership the importance of the counties' designation of a three-person team to work directly with David Nelson, Loss Prevention Manager, as requested by the Board of Directors. This team must be in declining order of risk such as a person from the sheriff's office, a person from the road department, the county clerk's office, the attorney's office and whoever else the counties feel participates in the risk of the county. In San Juan County they have also hired a personnel manager. Counties do have a lot of risk that can be managed by reviewing safety concerns and paying attention to the accidents that occur within the county. In working with David

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Nelson and the Mutual the counties can begin this education process. The success of the Mutual depends on how we, the counties, manage our own losses and risks.

Gary Herbert concluded by naming those counties who have not designated their Loss Prevention Team: Beaver, Emery, Tooele, Washington and Wayne Counties.

SAFETY PROGRAM CHECKLIST/SCORECARD

David Nelson reported on the attainments of training, inspecting and evaluation of all the member counties this past year in order to generate recommendations for the counties' consideration to minimize and hopefully eliminate some of the losses. These recommendations are to be taken very seriously within the counties and are submitted with the intent of county compliance. One of the largest areas we would like to concentrate on this year is the auto physical damage claims and with the counties' cooperation the Mutual hopes to reduce these losses. During David's visits to each county, he initially meets with one of the county commissioners and the insurance coordinator to begin his risk review. This year David is implementing an "exit interview" to go over the recommendations he generates. David has enjoyed visiting with all the member counties and commended those who have complied with the recommendations and implemented their loss prevention programs. David will continue to generate recommendations and perform training as part of the loss prevention schedule.

David put together a Safety Program Checklist/Scorecard (see attachment #2) to be used within the counties as a way to identify what should be done in the way of policies, committees, programs, etc., to assist the counties as they prepare their loss prevention programs. If any of the member counties need assistance in any of these areas please call David at 265-1331.

POLICY ON LATE PAYMENTS

Gary Herbert explained that due to some of the premium payments that have been coming in late, the Board of Directors have written a policy regarding these late payments which reads: "The UAC Insurance Mutual payment deadline for member counties to submit their total annual premium and surplus contribution to UAC Insurance Mutual is January 31 of each year. Premium payments not received thirty days following the policy deadline will be charged interest at the rate of 2% above the federal prime rate. Any changes in the specific application of the policy takes an action by the UAC Insurance Mutual Board of Directors." Brent Gardner explained that the premium notices are sent out no later than December for the counties budgeting purposes and are not due until the end of January. Jess Hurtado added that the sooner the counties return their renewal applications the sooner the Mutual will send the premium notices.

Louise Liston questioned whether the counties would be charged the interest rate on the surplus contribution which Brent confirmed explaining this is a matter of equity and all the member counties are in this together making it unfair if one or two counties delay their premium payment each year. No other questions or concerns arose.

COVERAGE QUESTIONS

Kent Sundberg, chairman of the LMC, explained the process of claims settlement and payment. Doug Alexander authorizes claim settlements under \$10,000 but Board approval is required for any claim settlement over \$10,000. Doug reports to the LMC on all cases over \$10,000, those are discussed extensively and then the LMC's advice and recommendations are taken to the next Board of Directors meeting for action.

Concerns have risen, especially within the smaller member counties, regarding advice or information on how to handle certain cases or situations within their county. This was discussed by the LMC which came up with two possible solutions that were recommended to the Board of Directors, 1) the county contact David Nelson with the situation and he in turn will report to the LMC for discussion or the county can directly bring their concerns to the LMC, and 2) a pilot-program was set up this year wherein David Nelson can authorize the use of a consultant to a member county for the purpose of advising the county in a legal matter. The LMC advised the Board to establish a policy wherein these concerns be brought to David by the county attorney and then David will authorize a certain expenditure for the use of a consultant in the matter. The Board has initially allocated \$5,000 this year in hopes of expanding the program next year if found beneficial.

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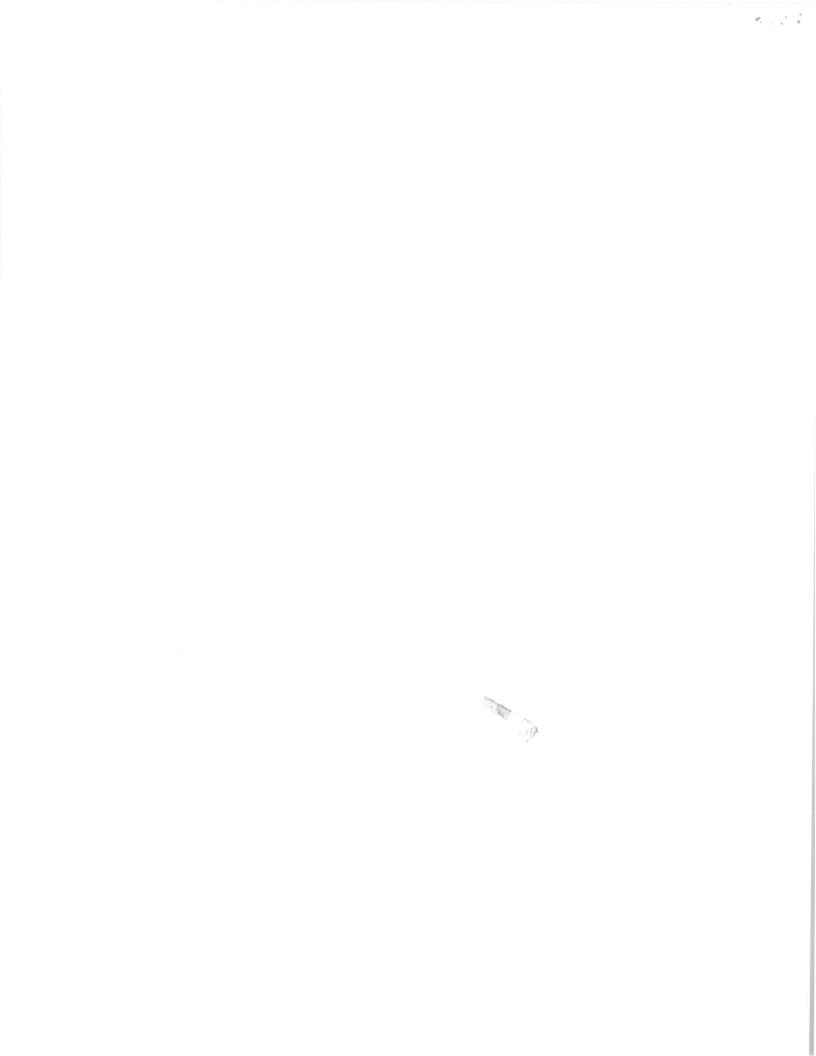
Kent reviewed the policy statements established by the Board concerning coverage issues. The first, regarding Special Districts, states 'Special Districts, Organizations, and/or Interlocal Agreements may be included in the UAC Insurance Mutual County Program only where the County Commissioners or County Council serves as the governing body.' A request was sent from the Board to each of the counties to list their Special Districts and other organizations that may fall within this policy statement. The LMC will review these lists to make sure each is in compliance. The second, involving Imminent Domain/Inverse Condemnation cases which are not covered under the Mutual unless the case is framed under civil rights, at which the Mutual will provide defense costs only, up to \$50,000, with half being paid by the county.

Kane County voiced their concern of the county's unique situation of coverage on their senior citizen busses that transport seniors to St. George but must travel through another state to get to St. George. Keri Chappell stated that the busses are covered with the Mutual when they cross state lines but not to the limit UDOT requires. Keri will continuing to work with Karla Johnson to provide Kane County the \$500,000 excess required for them to cross state lines.

A question arose regarding the meaning of "control" in the Special District policy statement. Brent explained the meaning as the county having the appointment power of a majority of the board, the county having hiring and firing authority and the county having the final approval of the budget.

A question was directed to Harry Bowes as to how the Mutual compares to other state insurance pools after the first two years of formation. Harry felt that Utah was ahead of the other states he has worked with at this stage in development with his main concern being the auto physical damage and general liability claim trends which hopefully, with the counties support of the loss prevention program, can be controlled.

Gary Herbert adjourned the meeting by thanking all those who attended.



RESERVES ADJUSTMENT

1. Facts: County Road and Bridge Foreman is attending a traffic accident. He placed a large rock behind his wheel so his car would not roll away while he is not in it. A nearby group of carpenters were asked to help direct traffic. The foreman told his employees to help. While standing behind the County vehicle, the large rock became dislodged, and the vehicle rolled back, and part of the trailer hitch struck the carpenter in the foot. The foot is hurt and it is unknown if broken.

	Reserves:	
	Expenses:	PIP Total : Medical : Lost Wages: Rehab :
2.	foot. Medical costs cont a nerve block injection is	e months later, the carpenter of pain and loss of use of left inue to mount. One month later, s done to the carpenter's spinal and restore some function.
	Reserves:	
	Expenses:	PIP Total : Medical : Lost Wages: Rehab :
3.	has developed a staph info	er, it is clear the carpenter ection in the area of the disc area of the lower inue to mount.
	Reserves:	
	Expenses:	PIP Total : Medical : Lost Wages: Rehab :

4. Same case. The infection is cured, but there is much damage to the disc tissue. Several months go by, and the doctors want to see if the back will fuse itself. It does not, and surgical fusion is completed. Medical costs continue to mount.

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	Reserves:	
	Expenses:	PIP Total : Medical : Lost Wages: Rehab :
5.	back to work but is limite he claims he cannot fully states that he has a 10% w	provement and is released to go d in his ability to lift, and bend his left foot. His doctor hole person disability and 1% e claims the carpenter cannot
	Reserves:	
	Expenses:	Indemnity :
6.	foot was probably not fracto the diagnosis). \$75,00 so far. Carpenter contend around \$32,000.00. There general loss of enjoyment sought any work and has compensation (as his employed).	has been pain and suffering and of life. The carpenter has not
	Reserves:	
	Expenses	Indemnity :
7.	very possible that the back the nerve block injection, testimony to that effect, testimony that the two are	(There will also be strong
	Reserves:	
	Expenses:	Indemnity :

SAFETY PROGRAM CHECKLIST/SCORECARD

YES	<u>NO</u>		
		1.	Policy in writing from Chief Executive, Board, Council or Commission establishing safety priority.
		2.	Safety as a specific program by mutual agreement in labor contracts.
		3.	Person on staff <u>full time</u> to coordinate safety/loss control program.
		4.	Person on staff with part-time responsibility for safety/loss control program.
		5.	Employee safety committee formed and functional.
		6.	Organizational membership in National Safety Council.
		7.	Safety manual or guidelines/procedures available.
		8.	Accident/injury/incident reporting system in effect.
		9.	Periodic status reporting of loss experience to administrators and supervisors.
	1	.0.	Employee training in loss control in public liability.
	1	1.	Employees trained in workers' compensation procedures.
—.	1:	2.	Departmental safety rules and regulations written and available to employees.
	13	3.	Mandatory safety shoe program
-	14	4.	Mandatory glove program.
	15.	•	Ear, eye and head protection available to employees who need same.
	16.	•	Preemployment physical including spine x-ray series for all potential laboring, police and fire employees.

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YES NO	
38.	Requirement for manufactures or distributors to train employees in use and maintenance of new equipment in specs.
39.	Employees' input in selection of new or replacement equipment.
40.	Disciplinary procedures for safety violations.
41.	Budget items specifically earmarked for safety clothing or equipment and equipment selection based on safety features as high priority.
42.	First aid materials readily available.
43.	Oxygen/toxic gas detection available for employees entering sewers, subsurface trenches or excavations or tanks; carbon monoxide, carbon dioxide or natural gas detection equipment immediately available.
44.	Hazardous materials program in place.
45.	Policy and procedure for handling alcoholic or drinking-on-the job situations.
46.	Fleet safety program.
47.	Safety incentive award program.
48.	Knowledge of liability protection for auto accidents.
49.	Knowledge of insurance coverage limits for general liability.
50.	Knowledge of insurance covering limits for alleged violations of civil rights.
51.	Training Program for Barricade Setup.
52.	Self Contained breathing equipment-training-inspection certification.

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UAC INSURANCE MUTUAL SEMI-ANNUAL MEMBERSHIP MEETING

April 6, 1994, 4:00 p.m.

Little America Hotel & Towers 500 South Main Street Salt Lake City

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WYOMING ROOM		
	AGENDA TOPICS	
4:00 PM	Welcome	Gary Herbert, UACIM President
	Review & Approval of November 1993 Minutes	Gary Herbert
	Review of First Quarter Financial Reports	Brent Gardner
	Combating Defamatory Remarks Against the Mutual	Brent Gardner
	Board Decision on Physical Damage Claims Not Previously Reported	Gary Herbert
	Reserve Adjustment	Doug Alexander
	Broker Report a. Boiler & Machinery b. 1995 Renewal Information c. Airport - Non-Operational Airports d. Rodeo Coverage	Jess Hurtado
	County Loss Prevention Team	Ty Lewis
	Safety Program Checklist/Scorecard	David Nelson
	Policy on Late Payments	Gary Herbert
	Coverage Questions	Kent Sundberg
ARIZONA ROOM		
	DINNER	
6:00 PM	UACIM Dinner with Spouse/Partner	

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Uacim Membership Meeting-4-6-94

County Name Utah Country Gary Herbert MILLARD L. GARDNER DAVIS COUNTY BILL REDD SAN JUAN COUNTY V Karla Johnson Kane clerk/Auditor MARGENE ISOM DAVIS Clerk (Auditan) James J. White Box Elder hinda May Davis County Sherry Bond KENT BERG Wasatch Clerk/Auditor WASATCH COUNTY I fat P. Gueenwood Just County Doyce tay STEVE RAWLINGS DAUIS COUNTY VILYNN LEMON EACHE COUNTY Sin GROLL CACKE COUNTY / RAY LOPEMAN KANE COUNTY COMM. ALLEN JENSEN BOX ELDER COUNTY PETE COLEMAN WASATOH COUNTY VLEE ACCEN BOX ELDER GAULE STEVENSON Davis DENNISW. AYERS IRON Jony J Dearden CFRAHK BIKER Millard MILLARD COUNTY David Blackwell Emery

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UACIM Membership Meeting 4-6-94

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